Application or Docket Number

10661118

CLAIMS AS FILED - PART I

	(Column 1)	(Column 2)
TOTAL CLAIMS	23	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	23 minus 20=	* 3
INDEPENDENT CLAIMS	3 minus 3 =	* ⊘
MULTIPLE DEPENDENT CLAIM PRESENT		☐

* If the difference in column 1 is less than zero, enter "0" in column 2

SMALL ENTITY TYPE ☐		OR	OTHER THAN SMALL ENTITY	
RATE	FEE		RATE	FEE
BASIC FEE	375.00	OR	BASIC FEE	750.00
X$ 9=		OR	X$18=	54
X42=		OR	X84=	⌐
+140=		OR	+280=	—
TOTAL		OR	TOTAL	804

CLAIMS AS AMENDED - PART II

AMENDMENT A

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA
Total	* 23	Minus	**	= 3
Independent	* 3	Minus	***	= 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				☐

1, 12, 20
7/0/6

SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X$ 9=		OR	X$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE	375	OR	TOTAL ADDIT. FEE	804

AMENDMENT B

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA
Total	* 23	Minus	** 23	= 0
Independent	* 3	Minus	*** 3	= 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				☐

0 12 20 23

	RATE	ADDITIONAL FEE	OR	RATE	ADDITIONAL FEE
	X$ 9=		OR	X$18=	
	X42=		OR	X84=	
	+140=		OR	+280=	
	TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

AMENDMENT C

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA
Total	*	Minus	**	=
Independent	*	Minus	***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				☐

	RATE	ADDITIONAL FEE	OR	RATE	ADDITIONAL FEE
	X$ 9=		OR	X$18=	
	X42=		OR	X84=	
	+140=		OR	+280=	
	TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20."
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3."
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

I hereby certify that this correspondence is being facsimile transmitted
to the U.S. Patent and Trademark Office (Fax No. (571) 273-8300

on ___7/13/06___

by _____

Rick Batt

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Paul O. Davison et al.

Application No.: 10/661,118

Filed: September 12, 2003

For: INSTRUMENT FOR ELECTROSURGICAL
TISSUE TREATMENT

Commissioner for Patents
Alexandria, VA 22313-1450

Examiner: Rosiland Rollins

Art Unit: 3739

Confirmation No.: 6449

REPLY AND AMENDMENT

This is responsive to the Office Action mailed January 13, 2006. Applicant
petitions for a three month extension of time. The Commissioner may charge Applicant's
deposit account no. 50-0359 for any fees due in connection with this application.

1253 $/020

Regarding independent Claim 20, it recites an annular support. Fanton does not appear to recite a ring shaped support. Fanton shows a curved circular body having electrodes disposed therein. Thus Fanton does not disclose an annular support.

Based on the foregoing, Applicant requests reconsideration and withdrawal of the rejections of the claims based on Section 102.

Rejections based on Section 103.

The Office Action rejected Claim 14 under 35 U.S.C. §103(a) as being unpatentable over Fanton in view of Doss. The Office Action also rejected Claims 21-23 under 35 U.S.C. §103(a) as being unpatentable over Fanton.

As indicated above Fanton and Doss do not teach all claim limitations recited in the independent claims. A proper *prima facie* case of obviousness under Section 103 requires, amongst other things, that the reference (or references when combined) must teach or suggest all the claim limitations. MPEP § 2142. In this instance, none of the cited references teach or suggest the claim limitations discussed above in connection with claims 1, 12, and 20.

Based on the foregoing, Applicant requests reconsideration and withdrawal of the rejections of the claims based on Section 103.

Applicant has made a sincere effort to respond to each of the outstanding issues raised in the Office Action. If the Examiner believes a telephone conference would facilitate prosecution of this application, please telephone the undersigned at the below listed number.

Respectfully submitted,

Richard R. Batt
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